

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Ronald A. McCord,

Plaintiff,

v.

Civil No. 07-3992 (JNE/FLN)
ORDER

State of Minnesota,

Defendant.

This case is before the Court on a Report and Recommendation issued by the Honorable Franklin L. Noel, United States Magistrate Judge, on September 19, 2007. The magistrate judge performed an initial review of the complaint pursuant to 28 U.S.C. § 1915A (2000) and recommended that (1) Plaintiff's application for leave to proceed in forma pauperis be denied; (2) Plaintiff be required to pay the unpaid balance of the Court filing fee in accordance with 28 U.S.C. § 1915(b)(2) (2000); (3) Plaintiff's claim be summarily dismissed pursuant to 28 U.S.C. § 1915A(b)(1) because Plaintiff failed to plead a cause of action on which relief can be granted; and (4) the dismissal be considered to be "on the grounds that it is frivolous, malicious, or fails to state a claim on which relief may be granted" for the purposes of 28 U.S.C. § 1915(g) (2000). Plaintiff objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Plaintiff's application for leave to proceed in forma pauperis [Docket No. 2] is DENIED.
2. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely the full \$350.00, in accordance with 28 U.S.C. § 1915(b)(2).

3. Plaintiff's claim is SUMMARILY DISMISSED pursuant to 28 U.S.C. § 1915A(b)(1).
4. For the purposes of 28 U.S.C. § 1915(g), this action is dismissed "on the grounds that it is frivolous, malicious, or fails to state a claim on which relief may be granted."

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 18, 2007

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge